

DECLASSIFIED 19 June 1946

Mr. Samuel Klaus

Rm 437, Dept. of State

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY John DATE 3/18/81
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TOP SECRET paper containing recommendations on proposed
paper for denial program.

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Having discussed the proposed denial program, the Service Members voted to submit it as the proposed recommendation. The State Department member did not concur in this draft, having disapproved its submission. Whereupon, it was decided to submit split papers, one representing views of the Service Members, the other representing views of the State Department member. The State Department member makes the following statement regarding submission of this paper:

"I have prepared as requested at the last meeting, a document which I believe to be an appropriate paper on the denial program, which I am submitting to the Committee. With respect to the paper which has just been approved by the Service Members, I think it important that the record show the main reasons for my inability to concur.

1. The purpose of a denial paper should be to supplement the existing exploitation papers of J.C.S. and SWNCC on the subject of exploitation by immigration. Instead the proposed paper provides for a fundamental revision of the theory of the J.C.S. and SWNCC directives. These directives had been informally cleared with the President, as I understand it. I believe that this committee has neither the authority nor the prerogative of going beyond the President's directives or beyond the purpose of SWNCC directives. *authentic*

2. The proposed paper is based on misapprehension of fact with respect to certain matters pertaining to the State Department.

a. The paper includes a memorandum, prepared by an officer of the State Department, not submitted to the Committee by the State Department or by me. This officer informs me that on delivering this memorandum, he stated that the memorandum was his own opinion and was being shown to the Director of this Committee for his personal guidance and asked that the paper be returned to him at an early opportunity.

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- b. In the second place, ^{nature} the paper also incorporates ^{an} a memorandum of a legal case prepared by me. This memorandum was never submitted to this committee by me but was prepared as the basis for informal discussion of legal questions with the Assistant to the Secretary of War. The facts that were requested by this committee, and as I have heretofore reported, is a document fully stating the requirements of the State Department with respect to matters under discussion, is in the process of preparation and should be available to this committee within the next three days.
- c. The third and most important misapprehension relates to the law and regulations governing the issuance of visas. ^{now} They are provided, not by the State Department, but by paramount authority which the State Department has no right or power to waive or contravene.
3. The proposed paper goes beyond the issue of exploitation of scientists and it permits the uncontrolled immigration into the United States of German scientists without any serious attempt to utilize them in the national interest. This raises an important policy question which neither this committee nor the Joint Intelligence Committee, in my opinion, is prepared at this stage to handle.
4. I believe the use of the term "potential enemy" is undesirable and should not be contained in this document.
5. I am therefore submitting ^{alternative} a document which I believe is adequate for handling this problem."

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